

# HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

## Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 17A.3, the Homeland Security and Emergency Management Department hereby gives Notice of Intended Action to amend Chapter 2, “Petitions for Rule Making,” Iowa Administrative Code.

These amendments are intended to implement changes that have been made in Iowa Code chapter 29C that transformed the Homeland Security and Emergency Management Division of the Department of Public Defense to a stand-alone department and to update the physical address of the Department.

Consideration will be given to all written suggestions or comments on the proposed amendments received on or before November 3, 2015. Such written materials should be sent to the Administrative Rules Coordinator, Department of Homeland Security and Emergency Management, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa 50324; fax (515)725-3260; or e-mail to [john.benson@iowa.gov](mailto:john.benson@iowa.gov).

Also, there will be a public hearing on November 3, 2015, at 11 a.m. in the Department of Homeland Security and Emergency Management Cyclones Conference Room at 7900 Hickman Road, Suite 500, Windsor Heights, Iowa, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend the public hearing and have special requirements, such as those relating to hearing or mobility impairments, should contact the Homeland Security and Emergency Management Department and advise of specific needs.

After analysis and review of this rule making, no impact to jobs has been found.

These amendments are intended to implement Iowa Code chapter 29C.

The following amendment is proposed.

Amend **605—Chapter 2** as follows:

## CHAPTER 2 PETITIONS FOR RULE MAKING

**605—2.1(17A) Petition for rule making.** Any person or agency may file a petition for rule making with the ~~division~~ department at the Homeland Security and Emergency Management ~~Division~~ Department, ~~7105 NW 70th Avenue~~ 7900 Hickman Road, ~~Camp Dodge Building W4~~ Suite 500, ~~Johnston~~ Windsor Heights, Iowa ~~50131~~ 50324. A petition is deemed filed when it is received by that office. The ~~division~~ department must provide the petitioner with a file-stamped copy of the petition if the petitioner provides the ~~division~~ department an extra copy for this purpose. The petition must be typewritten or legibly handwritten in ink and must substantially conform to the following form:

### HOMELAND SECURITY AND EMERGENCY MANAGEMENT ~~DIVISION~~ DEPARTMENT

Petition by (Name of Petitioner)  
for the (adoption, amendment, or  
repeal) of rules relating to  
(state subject matter).



PETITION FOR  
RULE MAKING

The petition must provide the following information:

1. No change.

2. A citation to any law deemed relevant to the ~~division's~~ department's authority to take the action urged or to the desirability of that action.

3. to 6. No change.

**2.1(1)** No change.

**2.1(2)** The homeland security and emergency management ~~division~~ department may deny a petition because it does not substantially conform to the required form.

**605—2.2(17A) Briefs.** The petitioner may attach a brief to the petition in support of the action urged in the petition. The homeland security and emergency management ~~division~~ department may request a brief from the petitioner or from any other person concerning the substance of the petition.

**605—2.3(17A) Inquiries.** Inquiries concerning the status of a petition for rule making may be made to the ~~Administrator~~ Director, Homeland Security and Emergency Management ~~Division~~ Department, ~~7105 NW 70th Avenue~~ 7900 Hickman Road, Camp Dodge Building W4 Suite 500, Johnston Windsor Heights, Iowa 50131 50324.

**605—2.4(17A) Consideration.**

**2.4(1)** Within 14 days after the filing of a petition, the ~~division~~ department must submit a copy of the petition and any accompanying brief to the administrative rules coordinator and to the administrative rules review committee. Upon request by petitioner in the petition, the homeland security and emergency management ~~division~~ department must schedule a brief and informal meeting between the petitioner and the ~~division~~ department, a member of the ~~division~~ department, or a member of the staff of the ~~division~~ department to discuss the petition. The homeland security and emergency management ~~division~~ department may request the petitioner to submit additional information or argument concerning the petition. The ~~division~~ department may also solicit comments from any person on the substance of the petition. Also, comments on the substance of the petition may be submitted to the homeland security and emergency management ~~division~~ department by any person.

**2.4(2)** Within 60 days after the filing of the petition, or within any longer period agreed to by the petitioner, the homeland security and emergency management ~~division~~ department must, in writing, deny the petition and notify petitioner of its action and the specific grounds for the denial, or grant the petition and notify petitioner that it has instituted rule-making proceedings on the subject of the petition. Petitioner shall be deemed notified of the denial or grant of the petition on the date when the ~~division~~ department mails or delivers the required notification to petitioner.

**2.4(3)** Denial of a petition because it does not substantially conform to the required form does not preclude the filing of a new petition on the same subject that seeks to eliminate the grounds for the ~~division's~~ department's rejection of the petition.

These rules are intended to implement Iowa Code chapter 17A.